

**OKLAHOMA WORKERS' COMPENSATION COMMISSION  
SPECIAL MEETING MINUTES  
FEBRUARY 24, 2021, 1:30 P.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Special Business Meeting was filed with the Secretary of State's office on Friday, February 12, 2021, at 9:01 a.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

**MINUTES OF THE FEBRUARY 24, 2021 SPECIAL BUSINESS MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on February 24, 2021.

Members present: Chairman Mark Liotta (via Zoom teleconference), Commissioner Megan Tilly (via Zoom teleconference), and Commissioner Jordan Russell

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; James Lawson, WCC; Ian Steedman, WCC; Collin Fowler, WCC; Andrea Delling, WCC; and Donald Bullard, Bullard and Associates.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

**1. Approval of Minutes**

The minutes of the January 14, 2021, Special Meeting and February 18, 2021 Public Hearing of the Commission were considered for approval.

***Motion:*** Commissioner Tilly moved to approve the January 14, 2021, Special Meeting and February 18, 2021, Public Hearing of the Commission.

***Second:*** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding**

Title 85A O.S. § 23 states, [a]ny Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission.” In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

All travel vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today’s meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and voted upon separately.

*Motion:* Commissioner Tilly moved to approve the travel vouchers.

*Second:* Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

*The motion carried.*

**3. Request to Fully Release the Security Deposit for Genco Distribution System Inc., Former Own Risk Permit #18906**

Genco Distribution System Inc. (“the Company”), former own risk permit #18906, was a self-insured employer in the Own Risk program until January 1, 2012. The Company has petitioned the Commission to fully release the Company’s security deposit on file. The Commission held a \$500,000 Letter of Credit, issued by PNC Bank., as security deposit.

All claims have been closed out and they all have passed the statute of limitations for reopening. The Company has complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, gave his recommendation, and answered questions of the Commission.

*Motion:* Commissioner Russell moved to release the security deposit of Genco Distribution System Inc. in the amount of \$500,000.

*Second:* Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

*The motion carried.*

**4. Discussion and Possible Action to Begin the 2022 Fee Schedule Review and Update Process and to Extend Contract with FAIR Health**

The Commission discussed beginning the 2022 Fee Schedule review and update process pursuant to 85A O.S. § 50(H), and considered the one-time extension of the previously-awarded RFP contract to FAIR Health for the review and update of the Oklahoma Workers' Compensation Fee Study during calendar year 2021 at a total cost of \$96,125 (includes CPT codes).

Andrea Delling was recognized, presented, and answered questions of the Commission.

Commissioner Russell answered questions of the Commission.

***Motion:*** Commissioner Russell moved to approve the one-time extension of a sole source contract with Fair Health at the terms and dollar amount of the previous contract.

***Second:*** Commissioner Tilly

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**5. Discussion and Possible Action on Petition to Promulgate, Amend, or Repeal Commission Administrative Rule OAC 810:10-5-85, submitted by Donald A. Bullard, Bullard & Associates, PLLC**

Individuals or organizations who wish to petition the Commission to promulgate, amend, or repeal a rule may submit written requests pursuant to OAC 810:1-1-4. Upon receipt of a petition, the Executive Director or the Executive Director's designee will present such petition at the next regularly scheduled Commission meeting for consideration and disposition, and the petitioner shall be informed in writing of the Commission's ruling in the matter.

Lauren Hammonds Johnson was recognized, presented, gave her recommendation, and answered questions of the Commission.

Petitioner Donald Bullard was recognized for additional brief comments.

***Motion:*** Commissioner Tilly moved to adopt General Counsel's recommendation to send notice out to ALJ's with the intent to amend rules in the next rulemaking process.

***Second:*** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried.***

**6. Legislative Update Report and Discussion**

Commissioner Russell reported on legislative meetings and legislation affecting the Commission.

Commissioner Russell presented and answered questions of the Commission.

*No action was taken on this agenda item.*

**7. Update and Discussion regarding the Denver N. Davison Building Renovation and Tulsa Office Relocation.**

Chairman Liotta presented and answered questions of the Commission.

*No action was taken on this agenda item.*

**8. Discussion and Possible Action Regarding Operation of the Workers' Compensation Commission and Agency Concerns Related to COVID-19**

Collin Fowler informed the Commission of current COVID-19 case numbers and alert status, as reported by the Oklahoma State Department of Health, and shared information regarding WCC staff members' ability to receive the COVID-19 vaccine.

Chairman Liotta stated the number of COVID-19 cases are trending downward, but not significantly. The total number of cases are still high.

Chairman Liotta briefly discussed Senate Bill 1031, which provides alternative teleconferencing laws under the Open Meeting Act, due to the ongoing public health emergency caused by COVID-19.

*No action was taken on this agenda item.*

**9. Announcements**

The Commission's next dual advisory meetings are scheduled for on Thursday, February 25, 2021 and Thursday, March 4, 2021. The Commission's next regular business meeting is on Thursday, March 18, 2021.

**ADJOURNMENT.....Chairman Mark Liotta**

*Motion:* Commissioner Tilly moved to adjourn.

*Second:* Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Tilly, and Commissioner Russell.

*The motion carried.*

**The meeting adjourned at 2:02 p.m.**